

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Figs. 1, 2 and 7. No new matter has been added.

Attachment:      Replacement sheets

**REMARKS**

By this Amendment, claims 9, 10, 12, 20, 21, 23, 25-29 and 31-33 have been amended, and claims 8, 19 and 30 have been canceled. According, claims 1, 3-7, 9-12, 14-18, 20-23, 25-29 and 31-33 are pending in the present application.

Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 9, 10, 20, 21, 31 and 32. In response, claims 9, 10, 20, 21, 31 and 32 have each been rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims. Accordingly, indication of allowance of claims 9, 10, 20, 21, 31 and 32 is respectfully requested.

The objection to the drawings as not providing the appropriate Prior Art labels in Figures 1, 2 and 7 is noted. In response, Figs. 1, 2 and 7 have been amended so as to include a "prior art" label. No new matter has been added. Approval of these drawing changes is respectfully requested.

Claims 23 and 25-33 stand under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In response, Applicants have amended these claims to be in full compliance with all §101 requirements. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-8, 11-19, 22-30 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,724,097 to Hibi et al. Applicants respectfully traverse this rejection.

**Independent claims 1, 12 and 23**

Among the limitations of independent claims 1, 12 and 23 which are neither disclosed nor suggested in the art of record is an image encoding method, apparatus and computer-readable medium that sets a dead zone for each block.

In contrast, Hibi et al. sets a dead zone for each frequency area. Hibi et al. thus does not disclose or suggest setting a dead zone for each block, and can not anticipate independent claims 1, 12 and 23. Accordingly, it is respectfully submitted that independent claims 1, 12 and 23 patentably distinguish over Hibi et al.

Claims 3-7 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 14-18 depend either directly or indirectly from independent claim 12 and include all of the limitations found therein. Claims 25-29 depend either directly or indirectly from independent claim 23 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 3-7, 14-18 and 25-29 are likewise patentable.

Independent claims 11, 22, and 33

Among the limitations of independent claims 1, 12 and 23 which are neither disclosed nor suggested in the art of record is an image encoding method, apparatus and computer-readable medium that evaluates a relationship between a quantization width corresponding to the ideal quantization parameter, and a quantization width corresponding to a quantization parameter used for encoding output.

The Office Action contends on page 6 that the “quantization parameter” of independent claims 11, 22 and 33 corresponds to the “output of the code amount control circuit 89” of Hibi et al. However, in Hibi et al., the “output of the code amount control circuit 89” is “a quantization step control signal” and “a dead zone switching control signal” (see col. 28, lines 41-49 of Hibi et al.). Therefore, Hibi et al. does not disclose or suggest “evaluating a relationship between a quantization width corresponding to the ideal quantization parameter, and a quantization width corresponding to a quantization parameter used for encoding output,” and thus can not anticipate independent claims 11, 22 and 33.

Moreover, independent claim 22 includes the step of “setting the dead zone width in correspondence with the evaluated relationship.” In contrast, in Hibi et al. the dead zone width is set by a dead zone switching control signal. Thus, Hibi et al. does not anticipate claim 22 for this reason as well.

In view of the foregoing, favorable consideration of the amendments to claims 9, 10, 12, 20, 21, 23, 25-29 and 31-33, and allowance of the present application with claims 1, 3-7, 9-12, 14-18, 20-23, 25-29 and 31-33 is respectfully and earnestly solicited.

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Respectfully submitted,

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Attachments